

Draft Household Hazardous Waste Proposal

Sec. 1. 10 V.S.A. chapter 164B is added to read:

CHAPTER 164B. COLLECTION AND MANAGEMENT OF
HOUSEHOLD HAZARDOUS PRODUCTS

§ 7181. DEFINITIONS

As used in this chapter:

(1) “Agency” means the Agency of Natural Resources.

(2) “Consumer product” means any product that is regularly used or purchased to be used for personal, family, or household purposes.

(3)(A) “Covered household hazardous product” means a liquid or pressurized consumer product offered for retail sale that is contained in the packaging in which the product is offered for retail sale, if the product is a hazardous waste under the federal Resource Conservation and Recovery Act of 1976, Pub. L. No. 94-580, as amended, including due to characteristics of ignitability, corrosivity, reactivity, or toxicity as defined in 40 C.F.R. §§ 261.20–261.24, regardless of the status of the generator of the hazardous waste.

(B) “Covered household hazardous product” does not mean any of the following:

(i) an empty consumer product package;

(ii) products registered under 6 V.S.A. § 918;

(iii) a primary battery or rechargeable battery;

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(iv) a lamp that contains mercury;

(v) a thermostat that contains mercury;

(vi) architectural paint as that term is defined in section 6672 of this chapter;

(vii) a covered electronic device as that term is defined in section 7551 of this title; or

(vi) a pharmaceutical drug.

(4)(A) “Manufacturer” means a person who:

(i) manufactures or manufactured a covered household hazardous product under its own brand or label for sale in the State;

(ii) sells in the State under its own brand or label a covered household hazardous product produced by another supplier;

(iii) owns a brand that it licenses or licensed to another person for use on a covered household hazardous product sold in the State;

(iv) imports into the United States for sale in the State a covered household hazardous product manufactured by a person without a presence in the United States;

(v) manufactures a covered household hazardous product for sale in the State without affixing a brand name; or

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(vi) assumes the responsibilities, obligations, and liabilities of a manufacturer as defined under subdivisions (i) through (v) of this subdivision (5)(A), provided that the Secretary may enforce the requirements of this chapter against a manufacturer defined under subdivisions (i) through (v) of this subdivision (5)(A) if a person who assumes the manufacturer's responsibilities fails to comply with the requirements of this chapter.

(B) "Manufacturer" shall not mean a person set forth under subdivisions (i) through (vi) of subdivision (5)(A) of this section if the person manufactures, sells, licenses, or imports less than \$5,000.00 of covered products in a calendar year.

(5) "Retailer" means a person who sells a covered household hazardous product in the State through any means, including a sales outlet, a catalogue, the telephone, the Internet, or any electronic means.

(6) "Secretary" means the Secretary of Natural Resources.

(7) "Sell" or "sale" means any transfer for consideration of title or of the right to use by lease or sales contract a covered household hazardous product to a person in the State of Vermont. "Sell" or "sale" does not include the sale, resale, lease, or transfer of a used covered

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household hazardous product or a manufacturer's wholesale transaction with a distributor or a retailer.

§ 7182. SALE OF COVERED HOUSEHOLD HAZARDOUS PRODUCT; REGISTRATION

(a) Sale prohibited. Beginning on January 1, 2024, a manufacturer of a covered household hazardous product shall not sell, offer for sale, or deliver to a retailer for subsequent sale a covered household hazardous product unless that product is registered in the Office of the Secretary.

(b) Registration. The manufacturer shall file annually with the Secretary a statement including:

(1) The name of the manufacturer, the manufacturer's brand, and the name of the covered household hazardous product;

(2) The product component or components which qualify the product as a covered household hazardous product;

(3) The Universal Product Code (UPC) of each product variation under that brand and name;

(4) any other information required by the Secretary under rules adopted pursuant to section 7181 of this title.

(c) Registration fee requirements.

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(1) Beginning on January 1, 2026 and annually thereafter, the registrant shall pay a fee. The fee shall be deposited in the special fund created in section 7183 of this title.

(2) A renewal of a registration without changes may be accomplished through notifying the Agency of Natural Resources on a form provided by the Agency.

§ 7183. REVOLVING FUND

(a) There is hereby created a special household hazardous products revolving fund. Monies collected pursuant to subsection 7182(b) of this title shall be deposited in the fund. The Secretary may grant monies deposited in the fund for the following purposes:

(1) To defray the costs of collecting covered household hazardous products by municipalities; or

(2) to defray the cost of necessary operating expenses by municipalities relating to the collection of covered household hazardous products;

§ 7184. RULEMAKING

The Secretary of Natural Resources may adopt rules to implement the requirements of this chapter.

Sec. 3. AGENCY OF NATURAL RESOURCES RECOMMENDATION OF

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REGISTRATION FEE FOR COVERED HOUSEHOLD HAZARDOUS PRODUCTS

On or before December 15, 2024, the Secretary of Natural Resources shall submit to the House Committees on Ways and Means and on Energy and Environment and the Senate Committees on Finance and on Natural Resources and Energy a recommended fee for the registration of covered household hazardous waste products under 10 V.S.A. chapter 164B. The Secretary shall engage stakeholders to establish annual costs to municipalities relating to the disposal of covered household products in the state. The fee calculation shall:

- (1) include the number of registered manufacturers as received by the Secretary under section 7182 of this chapter;
- (2) include annual cost projections relating to the collection of covered household hazardous products; and
- (3) include administrative costs to the Agency of Natural Resources relating to the household hazardous waste program under 10 V.S.A. chapter 164B.

Sec. 4. 10 V.S.A. § 6621a(a) is amended to read:

(a) In accordance with the following schedule, no person shall knowingly dispose of the following materials in solid waste or in landfills:

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* * *

(12) Covered household hazardous products after January 1, 2025.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.